

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PFIFE HUDSON GROUP, INC.,	:	
	:	
Plaintiff,	:	<b>ANSWER and</b> <b><u>COUNTER-CLAIMS</u></b>
	:	
-against-	:	08 CV 5071 (DLC) (GWG)
	:	
		<b><u>JURY TRIAL DEMANDED</u></b>
ANTHONY MICHAEL SISTA,	:	
	:	
Defendant.		

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Defendant/Counter-claimant, Anthony Michael Sista, by and through his attorney, responds to the complaint as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (1) of the plaintiff's complaint.
2. Admits the allegations contained in paragraph (2) of plaintiff's complaint.
3. Neither admits nor denies the statements in paragraph (3) of the plaintiff's complaint and refers all statements of law to the Court.
4. Neither admits nor denies the statements in paragraph (4) of the plaintiff's complaint and refers all statements of law to the Court.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (5) of the plaintiff's complaint.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (6) of the plaintiff's complaint.
7. Denies the allegations contained in paragraph (7) of the plaintiff's complaint.
8. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph (8) of the plaintiff's complaint.

9. Denies each and every allegation contained in paragraph (9) of the plaintiff's complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (10) of the plaintiff's complaint, except admits only that Defendant began employment with Plaintiff in January 2008.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (11) of the plaintiff's complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (12) of the plaintiff's complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (13) of the plaintiff's complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (14) of the plaintiff's complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (15) of the plaintiff's complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (16) of the plaintiff's complaint.

17. Denies each and every allegation contained in paragraph (17) of the plaintiff's complaint.

18. Denies each and every allegation contained in paragraph (18) of the plaintiff's complaint.

19. Denies each and every allegation contained in paragraph (19) of the plaintiff's complaint.
20. Denies each and every allegation contained in paragraph (20) of the plaintiff's complaint.
21. Admits the allegations contained in paragraph (21) of the plaintiff's complaint.
22. Denies each and every allegation contained in paragraph (22) of the plaintiff's complaint.
23. Denies each and every allegation contained in paragraph (23) of the plaintiff's complaint.
24. Denies each and every allegation contained in paragraph (24) of the plaintiff's complaint.
25. Denies each and every allegation contained in paragraph (25) of the plaintiff's complaint.
26. Denies each and every allegation contained in paragraph (26) of the plaintiff's complaint.
27. Denies each and every allegation contained in paragraph (27) of the plaintiff's complaint.
28. Denies each and every allegation contained in paragraph (28) of the plaintiff's complaint.
29. Denies each and every allegation contained in paragraph (29) of the plaintiff's complaint.
30. Denies each and every allegation contained in paragraph (30) of the plaintiff's complaint.

31. Denies each and every allegation contained in paragraph (31) of the plaintiff's complaint.

32. Denies each and every allegation contained in paragraph (32) of the plaintiff's complaint.

33. Denies each and every allegation contained in paragraph (33) of the plaintiff's complaint.

34. Denies each and every allegation contained in paragraph (34) of the plaintiff's complaint.

**AS AND FOR THE FIRST CAUSE OF ACTION**

35. Defendant repeats, reiterates and realleges each and every response contained in the paragraphs (1) through (34) as if set forth more fully herein.

36. Denies each and every allegations contained in paragraphs (36) through (44) of the plaintiff's complaint.

**AS AND FOR THE SECOND CAUSE OF ACTION**

37. Defendant repeats, reiterates and realleges each and every response contained in the paragraphs (1) through (44) as if set forth more fully herein.

38. Denies each and every allegations contained in paragraphs (45) through (51) of the plaintiff's complaint.

**AS AND FOR THE THIRD CAUSE OF ACTION**

39. Defendant repeats, reiterates and realleges each and every response contained in the paragraphs (1) through (51) as if set forth more fully herein.

40. Denies each and every allegations contained in paragraphs (52) through (61) of the plaintiff's complaint.

**AS AND FOR THE FOURTH CAUSE OF ACTION**

41. Defendant repeats, reiterates and realleges each and every response contained in the paragraphs (1) through (61) as if set forth more fully herein.
42. Denies each and every allegations contained in paragraphs (62) through (71) of the plaintiff's complaint.

**AS AND FOR THE FIFTH CAUSE OF ACTION**

43. Defendant repeats, reiterates and realleges each and every response contained in the paragraphs (1) through (71) as if set forth more fully herein.
44. Denies each and every allegations contained in paragraphs (72) through (96) of the plaintiff's complaint.

**AS AND FOR THE SIXTH CAUSE OF ACTION**

45. Defendant repeats, reiterates and realleges each and every response contained in the paragraphs (1) through (96) as if set forth more fully herein.
46. Denies each and every allegations contained in paragraphs (97) through (102) of the plaintiff's complaint.

**AS AND FOR THE SEVENTH CAUSE OF ACTION**

47. Defendant repeats, reiterates and realleges each and every response contained in the paragraphs (1) through (102) as if set forth more fully herein.
48. Denies each and every allegations contained in paragraphs (103) through (114) of the plaintiff's complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

49. The complaint fails to state a cause of action upon which relief may be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

50. To the extent the Plaintiff seeks equitable relief, Plaintiff's conduct constitutes unclean hands.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

51. The Plaintiff has failed to plead, some or all allegations, with specificity and particularity as they refer to and pursuant to CPLR § 3013.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

52. The injuries suffered by plaintiff were caused in part by plaintiff's own conduct or the conduct of other parties and not by conduct of the defendant.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

53. Some or all of plaintiff's claims are barred by the applicable statute of limitations.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

54. All of the plaintiff's claims are barred by the statute of frauds.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

55. Plaintiff cannot recover because they have waived any rights to recovery from defendant.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSES**

56. Plaintiff's claims are barred by the doctrine of laches.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

57. Plaintiff's claims are barred because there was absence of consideration.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

58. Plaintiff's claims are barred because there was mutual mistake.

**AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE**

59. Defendant did not breach any duty to plaintiff.

**COUNTER-CLAIMS**

**AS AND FOR THE FIRST COUNTER-CLAIM**

55. Plaintiff benefitted from defendant's services and work-product and has unjustly enriched itself by failing to compensate or pay restitution to defendant.

**AS AND FOR THE SECOND COUNTER-CLAIM**

56. Plaintiff has wrongfully withheld defendant's salary to which defendant is rightfully entitled to and plaintiff had agreed to pay.

**AS AND FOR THE THIRD COUNTER-CLAIM**

57. Plaintiff has spread and continues to spread false information about defendant and portrayed defendant in a false light to prospective business contacts.

**AS AND FOR THE FOURTH COUNTER-CLAIM**

58. Plaintiff has issued and continues to issue libelous and slanderous comments about defendants.

**AS AND FOR THE FIFTH COUNTER-CLAIM**

59. Plaintiff has intentionally and tortiously interfered with defendant's business contacts, opportunities and prospective clients and caused damage to defendant.

**AS AND FOR THE SIXTH COUNTER-CLAIM**

60. Plaintiff's act of filing the complaint was done to chill defendant's right to business opportunities and was done as a malicious abuse of process.

**WHEREFORE**, Defendant Anthony Michael Sista, demands judgment dismissing the complaint against him, enter a judgment in his favor against plaintiff for his counter-claims (compensatory and punitive damages to be determined by a jury), together with attorney fees, costs, expenses and disbursements, and such other relief as this Court may deem just and proper.

Dated: June 17, 2008  
New York, New York

/s/Vikrant Pawar  
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To: Anthony Cummings, Esq. (by ECF and email)  
*Attorney for Plaintiff/Defendant Pfife Hudson*